THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.22504 OF 2005

Dt.26.10.2005

Between:

Smt.G.Rameshwari w/o.G.Jayam

… Petitioner

And

The Joint Collector-I (C.S), R.R.District

at Saifabad, Hyderabad-4 and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

It is stated that the petitioner is the owner of the lorry bearing No.AHT 6798 and is transporting the private wheat of 76 quintals from Maharajgunj along with Bill No.1 dated 12.1.2004 to Siddhartha Roller Flour Mill at Jeedimetla. While so, the 2nd respondent inspected the said flour mill and seized the said wheat which was in the lorry and thereafter a case was registered under Section 6-A of the Essential Commodities Act. The first respondent disposed of the said 6-A proceedings in Case No.A7/27/2004 dated 19.4.2005 stating that the wheat products are no more covered under the Essential Commodities Act as per the Government Memo.No.2820/C.S/(2)/ 2003-1 dated 29.8.2003 and therefore the proceedings under Section 6-A of the said Act cannot be invoked. However, the allegation is that Government property belongs to the Food Corporation of India, which was found in the godown and lorries of the petitioner and the mill, a direction was given to the Deputy Collector and Mandal Revenue Officer, Qutbullapur Mandal, to file a case under the relevant provisions of the I.P.C. Accordingly, the 2nd respondent filed a report before the S.H.O., Jeedimetla Police Station, Quthbullapur Mandal, stating that the wheat pertaining to the Public Distribution System procured by the Food Corporation of India has been seized from two lorries bearing No.AHT 6798 and ADT 9563 belonging to Rameshwari and S.Srirangam respectively and the seized quantity of wheat was kept under safe custody which was

released on production of bank guarantee. It is stated that the said wheat meant for Public Distribution System procured by the Food Corporation of India is a government property and the persons showing in the complaint dishonestly misappropriated the government property to the tune of 177 quintals worth Rs.1,23,900/-. On the said complaint, case has been registered in Crime No.445 of 2005 for the offence punishable under Sections 403 and 406 IPC on 10.6.2005. The petitioner seeks to quash the said criminal proceedings.

Having regard to the facts and circumstances of the case, I am of the opinion that whether the wheat product is not covered under the Essential Commodities Act and whether the said wheat seized is the government property or not, are the matters to be investigated by the police. Therefore, I do not see any merit to quash the criminal proceedings.

The writ petition is accordingly dismissed. No costs.

The learned counsel for the petitioner submits that the bank guarantee furnished by the petitioner for the release of the lorry may be directed to be released.

This is not the relief sought for in the writ petition. Therefore, I am not inclined to grant such relief. However, it is open for the petitioner to initiate appropriate proceedings for the release of the said bank guarantee.

(V.ESWARAIAH, J.)

26.10.2005

Note: Issue copy within three days

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